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\*\* ADMITTED IN VIRGINIA ONLY  
\*\*\* ADMITTED IN NEW YORK ONLY

INTELLECTUAL PROPERTY LAW

PATENT TRADEMARK  
AND COPYRIGHT LAWTEL. (216) 771-3800  
FAX. (216) 771-3804

e-mail: dphochberg@aol.com

December 11, 2003

CERTIFICATE OF FACSIMILE TRANSMISSION

I hereby certify that this paper is being facsimile transmitted to the U.S. Patent and Trademark Office on the date shown below:

To Fax No: 1 (703) 308-5077 (11 pages)By: Christine Kotran

Christine Kotran

Date: December 11, 2003Mail Stop 16  
Director of the US Patent and Trademark Office  
P.O. Box 1450  
Alexandria, VA 22313-1450Re: Improper Charge to Deposit Account No. 08-2441

Gentlemen:

A copy of a printout of our Deposit Account statement with a "Requested Statement Month" date of November, 2003 is attached. The following charge to our Deposit Account has been entered in error because the proper two (2) month extension of time fee had been paid:

<u>Date</u>	<u>Seq</u>	<u>Posting Ref Txt</u>	<u>Attorney Docket Nbr</u>	<u>Fee Code</u>	<u>Amt</u>
11/18	1	09937357	DA7119US	2251	\$55.00

Copies of the following documents are attached and verify that all proper fees were paid for the amendment filed on October 23, 2002. Because of the length of the documents, only relevant pages are attached:

2

Fax Cover Sheet from Examiner Ann Y. Lam dated 23 May 2003 and  
the first sheet of the (supplemental) Office Action Summary  
indicating a 3 month(s) reply deadline, i.e., August 23, 2003

Transmittal Form indicating "Extension of Time Request" enclosed  
with a Certificate of Transmission/Mailing dated 10/23/2003

Fee Transmittal for FY 2004 confirming \$210.00 fee sent for a two-month extension of time

First and last pages of the 31 page "Amendment" mailed October 23, 2003 and  
indicating "Petition and Fee for Extension of Time" enclosed


Credit Card Payment Form indicating payment of \$440.00 for extension fee and extra claims

Post card receipt stamped OCT 28 2003 confirming receipt of extension and fees

Accordingly, please immediately credit Deposit Account 08-2441 for the amount totaling  
\$55.00.

Please do not hesitate to contact us if there are any questions concerning the processing of  
this credit.

Sincerely yours,



Christine Kotran for  
Maxine Singer, Administrator

Att.  
11/18/2002 MS/ck



United States  
Patent and  
Trademark Office



**Deposit Account Statement**

**Requested Statement Month:** November 2003  
**Deposit Account Number:** 082441  
**Name:** D PETER HOCHBERGCO, L.P.A.  
**Attention:** MAXINE SINGER  
**Address:** 1940 EAST 6TH STREET  
**City:** CLEVELAND  
**State:** OH  
**Zip:** 44114

DATE	SEQ	POSTING REF	ATTORNEY DOCKET TXT	FEE CODE	AMT	BAL
11/14	107	29100809	RM0517US	8001	\$15.00	\$1,759.31
11/18	1	09937357	DA7119US	2251	\$55.00	\$1,704.31
11/18	03	70519030	DA0099PH00030	0507	\$15.00	\$1,689.31
11/24	42	10674968	MM0725US(#30926)	2203	-\$140.00	\$1,829.31
11/20	030	10141004	JD6687US-GIP	8001	\$15.00	\$1,814.31

START	SUM OF	SUM OF	END
BALANCE	CHARGES	REPLENISH	BALANCE
\$1,774.31	\$100.00	\$140.00	\$1,814.31

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Alexandria, VA 22313-1450  
www.uspto.gov

# Fax Cover Sheet

Date: 23 May 2003

To: Peter Hochberg	From: Ann Y. Lam
Application/Control Number: 09/937,357	Art Unit: 1641
Fax No.: 216-771-3804	Phone No.: (703) 306-5560
Voice No.: 216-771-3800	Return Fax No.: (703) 308-4242
Re: supplemental office action	CC:
<input type="checkbox"/> Urgent <input checked="" type="checkbox"/> For Review <input type="checkbox"/> For Comment <input type="checkbox"/> For Reply <input type="checkbox"/> Per Your Request	

Comments:

Please note that this supplemental office action has not been signed by a primary examiner yet. I will turn the case in to my primary examiner on Monday and will contact you if I make any substantial changes to the office action.

Thank you.  
Ann Lam

Number of pages 11 including this page

## STATEMENT OF CONFIDENTIALITY

This facsimile transmission is an Official U.S. Government document which may contain information which is privileged and confidential. It is intended only for use of the recipient named above. If you are not the intended recipient, any dissemination, distribution or copying of this document is strictly prohibited. If this document is received in error, you are requested to immediately notify the sender at the above indicated telephone number and return the entire document in an envelope addressed to:

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### Office Action Summary

Application No.

09/937,357

Applicant(s)

D'ANTONIO ET AL

Examiner

Ann Y. Lam

Art Unit

3763

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM  
THE MAILING DATE OF THIS COMMUNICATION. 

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 24 September 2001 and 01 April 2002.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-63 is/are pending in the application.
- 4a) Of the above claim(s) 36-47 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-35 and 48-63 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.  
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

#### Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All b) ☐ Some \* c) ☐ None of:  
1. ☐ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  
\* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).  
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

#### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 4.
- 4) ☐ Interview Summary (PTO-413) Paper No(s) \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other:

PTO/SB/21 (08-03)

Approved for use through 07/31/2006. OMB 0651-0031

U.S. Patent and Trademark Office, U.S. DEPARTMENT OF COMMERCE

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<b>TRANSMITTAL FORM</b> (to be used for all correspondence after initial filing)	Application Number	09/937,357	
	Filing Date	09/24/2001	
	First Named Inventor	Nicholas F. D'Antonio	
	Art Unit	3763	
	Examiner Name	Ann Lam	
Total Number of Pages in This Submission	36	Attorney Docket Number	DA7119US (#90036)

ENCLOSURES (Check all that apply)		
<input checked="" type="checkbox"/> Fee Transmittal Form <input checked="" type="checkbox"/> Fee Attached Credit card payment form <input checked="" type="checkbox"/> Amendment/Reply <input type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s) <input checked="" type="checkbox"/> Extension of Time Request <input type="checkbox"/> Express Abandonment Request <input type="checkbox"/> Information Disclosure Statement <input type="checkbox"/> Certified Copy of Priority Document(s) <input type="checkbox"/> Response to Missing Parts/Incomplete Application <input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53	<input type="checkbox"/> Drawing(s) <input type="checkbox"/> Licensing-related Papers <input type="checkbox"/> Petition <input type="checkbox"/> Petition to Convert to a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation <input type="checkbox"/> Change of Correspondence Address <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Request for Refund <input type="checkbox"/> CD, Number of CD(s) _____	<input type="checkbox"/> After Allowance Communication to Group <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input type="checkbox"/> Appeal Communication to Group (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter <input checked="" type="checkbox"/> Other Enclosure(s) (please identify below): Post card receipt
Remarks Please charge any additional fees or credit any overpayment to applicant's attorney's Deposit Account No. 08-2441.		

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT	
Firm or Individual name	D. Peter Hochberg, Esq. D. Peter Hochberg Co., L.P.A.
Signature	<i>[Signature]</i>
Date	10 / 23 / 2003

CERTIFICATE OF TRANSMISSION/MAILING		
I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date shown below. Washington, DC 20231 on this date:		
Typed or printed name	Christine A. Kotran	
Signature	<i>[Signature]</i>	Date 10 / 23 / 2003

This collection of information is required by 37 CFR 1.5. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

PTO/SB/17 (10-03)

Approved for use through 07/31/2006. OMB 0651-0032  
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

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**FEE TRANSMITTAL**  
**for FY 2004**

Effective 10/01/2003. Patent fees are subject to annual revision.

☒ Applicant claims small entity status. See 37 CFR 1.27

TOTAL AMOUNT OF PAYMENT (\$ 440.00----

**Complete if Known**

Application Number	09/937,357
Filing Date	09/24/2001
First Named Inventor	Nicholas F. D'Antonio
Examiner Name	Ann Lam
Art Unit	3763
Attorney Docket No.	DA7119US (#90036)

**METHOD OF PAYMENT (check all that apply)**☐ Check ☒ Credit card ☐ Money Order ☐ Other ☐ None☒ Deposit Account:Deposit Account Number  
Deposit Account Name

08-2441

D. Peter Hochberg Co., L.P.A.

The Director is authorized to: (check all that apply)

☐ Charge fee(s) indicated below ☒ Credit any overpayments☒ Charge any additional fee(s) or any underpayment of fee(s)☐ Charge fee(s) indicated below, except for the filing fee to the above-identified deposit account.**FEE CALCULATION****1. BASIC FILING FEE**

Large Entity Fee Code (\$)	Small Entity Fee Code (\$)	Fee Description	Fee Paid
1001 770	2001 385	Utility filing fee	
1002 340	2002 170	Design filing fee	
1003 530	2003 265	Plant filing fee	
1004 770	2004 385	Reissue filing fee	
1005 160	2005 80	Provisional filing fee	
SUBTOTAL (1) (\$)			

**2. EXTRA CLAIM FEES FOR UTILITY AND REISSUE**

Total Claims	Extra Claims	Fee from below	Fee Paid
79	63	16	144.00
Independent Claims	16	14	86.00
Multiple Dependent			

Large Entity Fee Code (\$)	Small Entity Fee Code (\$)	Fee Description
1202 18	2202 9	Claims in excess of 20
1201 86	2201 43	Independent claims in excess of 3
1203 290	2203 145	Multiple dependent claim, If not paid
1204 86	2204 43	** Reissue independent claims over original patent
1205 18	2205 9	** Reissue claims in excess of 20 and over original patent

SUBTOTAL (2) (\$ 230.00

\*or number previously paid, if greater, For Reissues, see above

**FEE CALCULATION (continued)****3. ADDITIONAL FEES**

Large Entity Small Entity

Fee Code (\$)	Fee Code (\$)	Fee Description	Fee Paid
1051 130	2051 85	Surcharge - late filing fee or oath	
1052 50	2052 25	Surcharge - late provisional filing fee or cover sheet	
1053 130	2053 130	Non-English specification	
1812 2,520	2812 2,520	For filing a request for <i>ex parte</i> reexamination	
1804 920*	2804 920*	Requesting publication of SIR prior to Examiner action	
1805 1,840*	2805 1,840*	Requesting publication of SIR after Examiner action	
1251 110	2251 55	Extension for reply within first month	
1252 420	2252 210	Extension for reply within second month	210.00
1253 950	2253 475	Extension for reply within third month	
1254 1,480	2254 740	Extension for reply within fourth month	
1255 2,010	2255 1,005	Extension for reply within fifth month	
1401 330	2401 165	Notice of Appeal	
1402 330	2402 165	Filing brief in support of an appeal	
1403 290	2403 145	Request for oral hearing	
1451 1,510	2451 1,510	Petition to institute a public use proceeding	
1452 110	2452 55	Petition to revive - unavoidable	
1453 1,330	2453 665	Petition to revive - unintentional	
1501 1,330	2501 665	Utility issue fee (or reissue)	
1502 480	2502 240	Design issue fee	
1503 640	2503 320	Plant issue fee	
1460 130	2460 130	Petitions to the Commissioner	
1807 50	2807 50	Processing fee under 37 CFR 1.17(g)	
1806 180	2806 180	Submission of Information Disclosure Stmt	
8021 40	28021 40	Recording each patent assignment per property (times number of properties)	
1809 770	2809 385	Filing a submission after final rejection (37 CFR 1.129(a))	
1810 770	2810 385	For each additional invention to be examined (37 CFR 1.129(b))	
1801 770	2801 385	Request for Continued Examination (RCE)	
1802 900	2802 900	Request for expedited examination of a design application	

Other fee (specify):

\*Reduced by Basic Filing Fee Paid

SUBTOTAL (3) (\$ 210.00

**SUBMITTED BY**

Name (Print/Type)	D. Peter Hochberg	Registration No. (Attorney/Agent)	24,603	Telephone	216-771-3800
Signature	<i>[Signature]</i>	Date	10/23/2003		

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

This collection of information is required by 37 CFR 1.17 and 1.27. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants : Nicholas F. D'Antonio, John T. Wagner and Richard O. Colvin  
Serial No. : 09/937,357 / Conf. No. 7922  
Filed : September 24, 2001  
Title : HYPODERMIC INJECTION SYSTEM  
Examiner : Ann Y. Lam  
Group : 3763  
Attorney Docket : DA7119US (#90036)

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-4150

AMENDMENT

Sir:

In response to the Office Action dated May 23, 2003 (which has not been signed), please amend the claims without prejudice as set forth below.



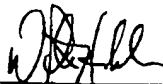
68-79 all limit the latching and release apparatus to one that is manually actuatable in claims 1, 23, 48, 49-51, 53, 59-61, 63 and 67. As explained above, a manually actuatable latching and release member makes contact by the user of the container or cartridge unnecessary to remove the latter parts.

The claims defining the invention are believed to be allowable, and such action is respectfully requested.

The Examiner is invited to telephone the undersigned if a discussion of any outstanding issues in this application would expedite its prosecution.

Respectfully submitted,

By: \_\_\_\_\_



D. Peter Hochberg  
Reg. No. 24,603

DPH/ck

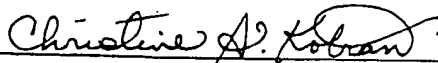
Enc.: Petition and Fee for Extension of Time

D. Peter Hochberg Co., L.P.A.  
1940 E. 6th Street - 6<sup>TH</sup> Floor  
Cleveland, Ohio 44114  
Phone: (216) 771-3800 / Fax: (216) 771-3804  
e-mail: [dphdocket1@aol.com](mailto:dphdocket1@aol.com)

#### CERTIFICATE OF MAILING UNDER 37 CFR 1.8(a)

I hereby certify that this paper (along with any paper referred to as being attached hereto or transmitted herewith) is being deposited with the United States Postal Service as first class mail in an envelope addressed: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

Date: October 23, 2003



Christine A. Kotran

Due Date 10.23.02 + 2mo ext Date 10.23.2003

\_\_\_ Appln. Pat. \_\_\_ T.M. \_\_\_ PCT. \_\_\_ PROV. \_\_\_

\_\_\_ Spec. Pages \_\_\_ Claims \_\_\_

\_\_\_ Drawings Sheets \_\_\_ (Inf. \_\_\_)

\_\_\_ Declaration

\_\_\_ Assignment w/Letter

☒ Transmittal Letter (2 copies)

☒ Check Amt. \$ 440.00 - Credit Card Payment Form

☒ Amendment Pat. ☒ T.M. \_\_\_

\_\_\_ Appeal with Check \$ \_\_\_

\_\_\_ Appeal Brief pages \_\_\_ with check \$ \_\_\_

☒ Others Petition & Fee for Ext of Time  
Fee for extra claims; Fee for Trans.

09/  
Serial No. 937,357 Filed 9.24.01 Docket DA7119US

